

THIRD DAY

House Chamber, Olympia, Wednesday, January 13, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anastasia Fleck and Gus Crowley. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

January 12, 2010

MR. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4406

HOUSE CONCURRENT RESOLUTION NO. 4407

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2669 by Representatives Hinkle, Shea, Warnick, Johnson, Pearson, Dammeier, McCune, Bailey, Kristiansen and Kretz

AN ACT Relating to adopting the Washington state health care freedom act of 2010; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Health Care & Wellness.

HB 2708 by Representatives Shea, Condotta, Kristiansen, Haler, Klippert, Herrera, Taylor, Short, Kretz, McCune, Crouse, Rodne, Hinkle, Parker, Dammeier, Ross, Angel, Bailey, Roach, Orcutt, Schmick, Fagan, Smith, Pearson and Warnick

AN ACT Relating to adopting the Washington state energy freedom act of 2010 and requiring express legislative authorization for any greenhouse gas or motor vehicle fuel economy program; adding new sections to chapter 70.235 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 2709 by Representatives Shea, Ross, Kristiansen, Haler, Klippert, Taylor, McCune, Short, Hinkle, Crouse, Dammeier, Parker, Johnson, Angel, Bailey, Orcutt, Roach, Schmick, Fagan, Condotta, Pearson, Warnick and Kretz

AN ACT Relating to adopting the Washington state firearms freedom act of 2010 and exempting a firearm, a firearm accessory, or ammunition manufactured and retained in Washington from federal regulation under the commerce clause of the Constitution of the United States; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

HB 2710 by Representatives Shea, Kristiansen, Anderson, Klippert, Haler, Ross, Taylor, Short, Kretz, Crouse, Hinkle, Rodne, McCune, Johnson, Bailey, Smith, Condotta, Pearson, Roach, Warnick and Angel

AN ACT Relating to adopting the right to constitutional government act of 2010; and adding a new chapter to Title 1 RCW.

Referred to Committee on Judiciary.

HB 2711 by Representatives Shea, Kristiansen, Condotta, McCune, Haler, Taylor, Ross, Short, Kretz, Hinkle, Roach, Campbell and Warnick

AN ACT Relating to adopting the Washington state right to protection act of 2010 and the constitutional rights of self-defense; adding a new section to chapter 9.41 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2712 by Representatives Shea, Condotta, Kristiansen, Klippert, Haler, Anderson, Taylor, Short, Kretz, Crouse, McCune, Hinkle, Ross, Roach, Schmick, Campbell, Warnick and Angel

AN ACT Relating to creating the Washington state sovereignty and federal tax escrow account act of 2010; reenacting and amending RCW 43.84.092; adding a new chapter to Title 83 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2713 by Representatives Shea, Condotta, Kristiansen, Klippert, Haler, Taylor, McCune, Ross, Short, Kretz, Crouse, Hinkle, Johnson, Roach, Campbell, Warnick and Angel

AN ACT Relating to adopting the Washington state sheriff first act of 2010 and regulating arrests, searches, and seizures by federal employees; adding new sections to chapter 36.28 RCW; adding new sections to chapter 10.79 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2732 by Representatives Ericks and Condotta

AN ACT Relating to registration of lottery tickets and shares; amending RCW 67.70.040; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2733 by Representatives White and Maxwell

AN ACT Relating to a school-based vaccination guide; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2734 by Representatives Kagi, Liias, Chase, Miloscia, Clibborn, Wallace, Maxwell, Nelson, Simpson and Santos

AN ACT Relating to allowing federally qualified community health centers to buy surplus real property from the department of transportation; and amending RCW 47.12.063.

Referred to Committee on Transportation.

HB 2735 by Representatives Goodman, Appleton, Rolfes, Seaquist, Finn, Rodne, Williams, Haigh, Pettigrew, Nelson, Darneille, Hasegawa and Ormsby

AN ACT Relating to the representation of children in dependency matters; amending RCW 13.34.100, 13.34.105, and 13.34.215; and creating new sections.

Referred to Committee on Judiciary.

HB 2736 by Representatives Kessler, Kretz, Hurst, Wallace, Sullivan, Kelley, Angel and Roach

AN ACT Relating to creating the office of open records; amending RCW 34.05.030; reenacting and amending RCW 42.56.550; adding new sections to chapter 42.56 RCW; repealing RCW 42.56.530; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2737 by Representatives Conway, Simpson, Morrell, Hasegawa and Chase

AN ACT Relating to meal and rest periods; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2738 by Representatives Eddy, Crouse, Armstrong, Jacks, Haler, Hudgins, Finn, Wallace and Chase

AN ACT Relating to the definition of biomass energy; and amending RCW 19.285.030.

Referred to Committee on Technology, Energy & Communications.

HB 2739 by Representatives Simpson, Pearson, Liias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen and Chase

AN ACT Relating to the enforcement of certain school or playground crosswalk violations; amending RCW 46.61.440; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2740 by Representative Seaquist

AN ACT Relating to the definition of land use decision in the land use petition act; and amending RCW 36.70C.020.

Referred to Committee on Local Government & Housing.

HB 2741 by Representatives Dickerson, Walsh, Kagi, Sullivan, McCoy, Darneille, Pettigrew, O'Brien, Hunt, Santos, Priest, Haler, Roberts, Quall, Simpson, Morrell, Haigh and Ormsby

AN ACT Relating to the transfer of the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning; amending RCW 43.215.020 and 70.198.020; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

HB 2742 by Representatives Goodman, Liias, Sells, Hasegawa, Maxwell, Roberts, Jacks, Carlyle, Rolfes, Simpson, O'Brien and Morrell

AN ACT Relating to accountability for persons driving under the influence of intoxicating liquor or drugs; amending RCW 46.20.385, 46.20.391, 46.20.720, 46.61.5055, 46.20.410, 46.20.342, 46.20.740, 10.05.020, 10.05.090, and 10.05.160; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2743 by Representatives Conway, Appleton, Green, Hasegawa, Sullivan, Rolfes, Nelson, Simpson, Chase and Hudgins

AN ACT Relating to collective bargaining for certain employees of institutions of higher education and related boards; and amending RCW 41.56.021.

Referred to Committee on Commerce & Labor.

HB 2744 by Representatives Ormsby, Wallace, Rolfes, Nelson, Simpson, Morrell, Hasegawa, Morris and Chase

AN ACT Relating to protecting lake water quality by reducing phosphorus from lawn fertilizers; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2745 by Representatives Hudgins, Campbell and Upthegrove

AN ACT Relating to including renovation activities as defined in the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program; and amending RCW 70.103.010, 70.103.020, 70.103.030, 70.103.040, 70.103.050, 70.103.080, and 70.103.090.

Referred to Committee on Environmental Health.

HB 2746 by Representatives Hope, Priest and Sullivan

AN ACT Relating to a comprehensive K-12 education policy; amending 2009 c 548 s 302 (uncodified); and creating a new section.

Referred to Committee on Education Appropriations.

HB 2747 by Representatives Darneille, Cody, Williams, Kagi, Pedersen, Nelson, Dickerson, Hasegawa and Chase

AN ACT Relating to the use of restraints on pregnant women or youth; amending RCW 72.09.015, 72.05.020, and 13.40.020; reenacting and amending RCW 70.48.020; adding new sections to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; adding new sections to chapter 72.05 RCW; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 2748 by Representatives Simpson, Jacks and Chase

AN ACT Relating to dues for an association established under RCW 53.06.030; and amending RCW 53.06.040.

Referred to Committee on Local Government & Housing.

HB 2749 by Representatives Nelson, White and Chase

AN ACT Relating to local government taxation; amending RCW 82.14.450, 82.14.450, 82.14.460, 82.14.460, 84.55.050, 82.46.035, 82.12.010, and 82.14.230; reenacting and amending RCW 82.46.035; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 36 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 2750 by Representatives Sells, Crouse, Dunshee and Simpson

AN ACT Relating to public utility districts and deferred compensation and supplemental savings plans; amending RCW 54.04.050; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2751 by Representatives Sells, Kenney, Nelson, Green, Ormsby, Conway, Campbell, Hasegawa, Seaquist, Simpson, Williams, Cody,

Hudgins, Sullivan, Carlyle, Miloscia, Morrell, Hunt, Morris and Chase

AN ACT Relating to including a member from labor on community college boards of trustees; and amending RCW 28B.50.100.

Referred to Committee on Higher Education.

HB 2752 by Representatives Dickerson, Orwall, Walsh, Goodman, Kagi, Roberts, Pedersen, Green, Santos and Nelson

AN ACT Relating to the safety of runaway youth; amending RCW 13.32A.082; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2753 by Representatives Orwall, Springer, Maxwell, Jacks, Nelson, Simpson, Conway, Ormsby, Chase and Santos

AN ACT Relating to the creation of a workforce housing program; amending RCW 43.180.160, 39.86.100, 39.86.120, 39.86.130, 39.86.140, 39.86.150, 39.86.170, and 39.86.190; reenacting and amending RCW 39.86.110; adding a new section to chapter 39.86 RCW; and repealing RCW 39.86.200.

Referred to Committee on Capital Budget.

HB 2754 by Representatives Orwall, Appleton, Pettigrew, Darneille, Dickerson, Simpson, Morrell, White, Dunshee, Chase, Kagi, Upthegrove, Nelson, Hunt and Ormsby

AN ACT Relating to creating the Washington voluntary retirement accounts program; amending RCW 43.33A.070; reenacting and amending RCW 43.84.092; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

HB 2755 by Representatives Roach, Orcutt, Kristiansen, Ericksen, Short, McCune, Shea, Condotta, Angel and Kretz

AN ACT Relating to eliminating restrictions on vehicle miles traveled; amending RCW 36.70A.580 and 47.01.078; repealing RCW 47.01.440 and 70.235.070; and providing an expiration date.

Referred to Committee on Transportation.

HB 2756 by Representatives Driscoll, Parker, Haler, Ormsby, Liias, Pettigrew, Kelley, Sullivan, Green, Moeller, Simpson, Darneille, Morrell, Pearson, Hurst, Chase and Santos

AN ACT Relating to allowing medicare supplement insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs; and reenacting and amending RCW 84.36.383.

Referred to Committee on Finance.

HB 2757 by Representatives Morrell, Hinkle, Moeller, Wallace, Clibborn, Herrera, Cody, Green, Campbell, Rolfes, Simpson, Hunt, Morris and Chase

AN ACT Relating to authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health Care & Wellness.

HB 2758 by Representatives Hunter, Condotta, Kessler and Orcutt

AN ACT Relating to documenting wholesale sales for excise tax purposes; amending RCW 82.32.780, 82.32.783, 82.32.785, 82.32.787, and 82.32.290; amending 2009 c 563 Â§ 101 (uncodified); reenacting and amending RCW 82.04.470, 82.08.050, 82.08.130, 82.32.087, 82.32.291, 82.32.330, 82.04.050, and 34.05.328; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2759 by Representatives Maxwell, Anderson, Roberts, White, Goodman, Clibborn, Kenney, Hunter, Morrell and Haigh

AN ACT Relating to adjusting local school finance related to nonresident students enrolled in online learning; amending RCW 84.52.0531 and 84.52.0531; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Education Appropriations.

HB 2760 by Representatives Wallace, Springer, Kelley and Morris

AN ACT Relating to increasing the time limit for filing property tax refund claims; and amending RCW 84.69.030.

Referred to Committee on Finance.

HB 2761 by Representatives Green, Campbell and Morrell

AN ACT Relating to dental hygienists working with physicians and nurse practitioners; and amending RCW 18.29.056.

Referred to Committee on Health Care & Wellness.

HB 2762 by Representative Simpson

AN ACT Relating to the authorization of special license plates; and amending RCW 46.16.725.

Referred to Committee on Transportation.

HB 2763 by Representatives Simpson, Sells, Maxwell, Van De Wege, Miloscia, Kristiansen, Haigh, Kagi and Chase

AN ACT Relating to creating a "Music Matters" special license plate; amending RCW 46.16.725, 46.16.601, 46.16.745, and 46.16.316; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 2764 by Representatives Conway, Green, Nelson and Simpson

AN ACT Relating to protecting employees from adverse employment actions because of influenza; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2765 by Representatives Springer, Eddy, Morris, Haler and Taylor

AN ACT Relating to developing strategies to improve the energy efficiency of existing homes; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2766 by Representatives Cody, Hinkle, Green, Driscoll, Pettigrew, Maxwell, Carlyle, Priest and Nelson

AN ACT Relating to credentialing as a nursing assistant; amending RCW 18.88A.010, 18.88A.060, 18.88A.085, and 18.88A.140; adding a new section to chapter 18.88A RCW; creating a new section; and repealing RCW 18.88A.115.

Referred to Committee on Health Care & Wellness.

HB 2767 by Representatives Appleton, Goodman and O'Brien

AN ACT Relating to membership of the Washington state forensic investigations council; amending RCW 43.103.040; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2768 by Representatives Ross, O'Brien, Hurst, Ericks, Wallace, Kelley, Uptegrove and Simpson

AN ACT Relating to background investigations for peace officers and reserve officers; and amending RCW 43.101.080, 43.101.095, and 43.101.105.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2769 by Representatives O'Brien, Hurst, Ross, Ericks and Kelley

AN ACT Relating to membership and rules of procedure for the criminal justice training commission and related boards; and amending RCW 43.101.060 and 43.101.315.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2770 by Representative O'Brien

AN ACT Relating to reducing crime victims' compensation benefits and eligibility; amending RCW 7.68.060 and 7.68.070; repealing RCW 7.68.085; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2771 by Representative O'Brien

AN ACT Relating to transferring responsibility for administering the crime victims' compensation program from the department of labor and industries to the department of social and health services; amending RCW 7.68.015, 7.68.020, 7.68.030, 7.68.035, 7.68.085, 7.68.145, 9.95.210, 72.09.095, and 74.08A.010; adding a new section to chapter 7.68 RCW; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2772 by Representatives Hinkle, Short, Kretz, McCune, Crouse, Rodne, Kristiansen, Johnson, Taylor, Halder, Ross, Klippert, Shea, Condotta and Angel

AN ACT Relating to accountability of climate change expenditures; amending RCW 70.235.010; adding a new section to chapter 70.235 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 2773 by Representatives Nelson and White

AN ACT Relating to local excise tax authorities for counties and cities; and amending RCW 82.14.450, 82.14.450, 82.14.460, 82.14.460, and 82.14.340.

Referred to Committee on Finance.

HB 2774 by Representatives Sells, McCoy and Santos

AN ACT Relating to traffic infractions where the conduct is a proximate cause of death, great bodily harm, or substantial bodily harm to another; amending RCW 46.63.020; and providing an effective date.

Referred to Committee on Judiciary.

HB 2775 by Representatives Dammeier, Hasegawa, Hunt, Armstrong, Short, Kristiansen, Springer, Kelley, Morrell, Pearson, Chase and Kretz

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on Local Government & Housing.

HB 2776 by Representatives Sullivan, Priest, Maxwell, Dammeier, Carlyle, Finn, Anderson, Eddy, Nelson, Goodman, Orwall, Hunter, Simpson, Jacks, Kagi, Ormsby, Morrell, Probst and Santos

AN ACT Relating to funding distribution formulas for K-12 education; amending RCW 28A.150.260, 28A.150.390, 28A.150.315, 43.41.398, 28A.160.192, and 28A.150.410; amending 2009 c 548 s 112 (uncodified); amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 805 (uncodified); adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.290 RCW; adding a new section to chapter 28A.400 RCW; creating a new section; recodifying RCW 43.41.398; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education Appropriations.

HJM 4023 by Representatives Anderson, Shea, Kretz, Short, Johnson, Rodne, Taylor, Klippert, Campbell, Bailey, Condotta and McCune

Requesting that certain actions be taken to reduce the federal budget deficit.

Referred to Committee on Ways & Means.

MOTION

Representative Ericksen made a motion to suspend the rules and advance HOUSE BILL NO. 2669 to second reading.

Representative Ericksen spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to suspend the rules and advance House Bill No. 2669 to second reading.

An electronic roll call was requested.

MOTIONS

On motion of Representative Santos, Representatives Flannigan, Wallace and Wood were excused. On motion of Representative Walsh, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Bill No. 2669 to second reading, and the motion was not adopted by the House by the following vote: Yeas, 36; Nays, 58; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Halder, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Excused: Representatives DeBolt, Flannigan, Wallace and Wood.

The motion, having not received the necessary constitutional majority, was declared failed.

MOTION

Representative Kristiansen made a motion to suspend the rules and advance HOUSE BILL NO. 2708 to second reading.

Representative Kristiansen spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to suspend the rules and advance House Bill No. 2708 to second reading.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Bill No. 2708 to second reading, and the motion was not adopted by the House by the following vote: Yeas, 36; Nays, 58; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll,

Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Excused: Representatives DeBolt, Flannigan, Wallace and Wood.

The motion, having not received the necessary constitutional majority, was declared failed.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

EIGHTH ORDER

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 2633, and the bill was referred to the Committee on Health & Human Services Appropriations.

There being no objection, the House advanced to the eleventh order of business.

COMMITTEE APPOINTMENTS

Representative Armstrong was appointed assistant ranking Republican to the Committee on General Government Appropriations. Representative DeBolt was appointed assistant ranking Republican to the Committee on Local Government & Housing.

There being no objection, the House adjourned until 9:55 a.m., January 14, 2010, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker
BARBARA BAKER, Chief Clerk

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